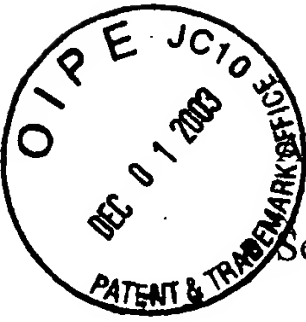


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Applicant: COOLIDGE

Serial No.: 09/851,738

Filed: May 9, 2001

Title: METABOLIC INTERVENTION WITH  
GLP-1 TO IMPROVE THE FUNCTION OF  
ISCHEMIC AND REPERDUSED TISSUE

Confirmation No.: 4849

Group Art Unit: 1653

Examiner: Liu, Samuel W.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING**  
**REJECTION OVER A PRIOR PATENT**

The owner, Amylin Pharmaceuticals, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,284,725 and 6,429,197. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, have all claims canceled by a reexamination certificate, are reissued, or

are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please debit the amount of \$55.00 for the payment of the Terminal Disclaimer fee under 37 CFR 1.20(d) to Amylin Pharmaceuticals' deposit account number 010535. If any other fee should become due or credit become payable during the pendency of these proceedings, however, the Examiner is authorized to charge or credit the same to deposit account number 010535.

Respectfully submitted,

AMYLIN PHARMACEUTICALS, INC.

Dated: November 24, 2002

By: 

Mi K. Kim

Reg. No. 44,830

AMYLIN PHARMACEUTICALS, INC.  
9360 Towne Centre Drive  
San Diego, CA 92121  
Phone 858.552-2200  
Fax 858.552.1936